



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-660)

In the Application of:

Mohammad S. Nasir and
Michael E. Jolley

Serial No.: 09/905,452

Filed: July 13, 2001

For: Fluorescence Polarization-Based
Homogeneous Assay for Aflatoxins

Examiner: Deborah A. Davis

Art Unit: 1641

JUN 14 2004

TECH CENTER 1600/2900

**DECLARATION OF MOHAMMAD S. NASIR
PURSUANT TO 37 C.F.R. § 1.132**

I, Mohammad S. Nasir, hereby declares as follows:

1. I am a principal scientist at Diachemix LLC, 683 E. Center Street, Suite H, Grayslake, Illinois 60030. I have held that position since 1997.

2. I received a PhD in chemistry from the State University of New York at Albany in 1990.

3. I am one of the inventors for the above-referenced patent application, and I am familiar with the research reported in the specification.

4. I, and my co-inventor, Michael E. Jolley, are the authors of the article "Fluorescence Polarization: An Analytical Tool for Immunoassay and Drug Discovery," *Combinatorial Chemistry & High Throughput Screening*, vol. 2, pp. 177-190 (1999).

5. Part of the research effort to develop a fluorescence polarization-based assay for aflatoxins involved attempts to label aflatoxin with a fluorophore, in order to develop a tracer that could be used in a fluorescence polarization assay for aflatoxins. However, the attempts to label aflatoxin with a fluorophore failed.

6. We were unable to develop a tracer until we found that aflatoxin oxime, a derivate of aflatoxin, could be labeled with a fluorophore. Even then, we did not know whether this tracer would be able to bind to the antibody to produce a detectable change in fluorescence polarization until we tested it. And many other fluorophores did not give any appreciable change in polarization values upon reaction to the antibody solution.

7. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5/26/04

Signed: Mohammad S. Nasir
Mohammad S. Nasir